

COUNTING THE VOTE.

Continued from First Page.

been given for the same persons. The committee are of opinion that the second section of the second article of the Constitution, which declares that no Senator or Representative, or person holding an office of profit or trust under the United States, shall be appointed an elector, ought to be carried in its whole spirit into rigid execution in order to prevent officers of the General Government from bringing their official power to influence the elections of President and Vice-President of the United States. This provision of the Constitution, it is believed, excludes and disqualifies deputy postmasters from the appointment of electors, and the disqualification relates to the time of the appointments, and that a resignation of the office of deputy postmaster after his appointment as elector would not entitle him to vote as elector under the Constitution. Should a case occur in which it became necessary to ascertain and determine the qualifications of electors of President and Vice-President of the United States, the important question would be presented, What tribunal would, under the Constitution, be competent to decide whether the respective colleges of electors in the different States should decide upon the qualifications of their own members, or Congress should exercise the power? It is a question which the committee are of opinion ought to be settled by a permanent provision upon the subject.

THE CASE OF MR. HUMPHRIES.

His testimony before a Senate committee yesterday.

WASHINGTON, Feb. 7.—As president of the subject of inquiry into the eligibility of Frederick C. Humphries, as proposed by the Commission, the Committee on Privileges and Elections today examined that gentleman, in accordance with the instructions of the Senate, as follows: Mr. Humphries being sworn, was asked:

By the Chairman—Q. Where do you reside? A. Pensacola, Florida.

Q. You were a candidate for elector at the last Presidential election in Florida? A. Yes, Sir.

Q. On what ticket? A. On the Republican ticket.

Q. You were elected as elector, and acted as such elector?

A. Before that time had you any office under the United States Government? A. Yes, Sir; I was United States Shipping Commissioner at the Port of Pensacola.

Q. When were you appointed? A. I have forgotten the exact date of my appointment; it was about two years since.

Q. Some where about two years before the election? A. Yes, Sir.

Q. Did you hold the office of shipping commissioner at the time of the election? A. I did not.

Q. Had you resigned or had you resigned? A. No, Sir.

Q. Did you resign in Florida? A. Yes, Sir.

Q. Have you a copy of your resignation with you? A. I have not. I did not keep a copy of it, or I mislaid it; but I have the original of the acceptance of my resignation.

Q. You made out and presented to the District Judge a copy of your resignation? A. Yes, Sir.

Q. About what time was that? A. That was in September, 1876. I understood the date of the receipt of the acceptance of the resignation. Here also a letter from the Collector of the Port assuming the duties of the office over the records of the office.

Witness here handed the chairman a letter.

Q. Some time in September last, a month or more before the election, you handed in your resignation in writing to W. B. Woods, United States Circuit Judge at Pensacola?

Q. In reply to that you received the following letter: A. Yes, Sir.

The Chairman—The letter reads as follows: "Sir, your resignation of the 24th of September, 1876, regarding your office of Shipping Commissioner for the Port of Pensacola, in the State of Florida, has been received by me, and your resignation of said office is hereby accepted. W. B. Woods, U. S. Circuit Judge."

Q. To F. C. Humphries, esq., Pensacola, Fla. A. Yes, Sir.

Q. That letter you received from the District Judge at Pensacola? A. Yes, Sir.

The Chairman—The following endorsement is upon the back of the letter: "Received by me, W. B. Woods, U. S. Circuit Judge, at Pensacola, Fla., on the 24th of September, 1876." A. Yes, Sir.

Q. Following the receipt of the endorsement, "Accepting the resignation of Shipping Commissioner," A. Yes, Sir.

Q. Also, "Received Oct. 5, 1876," A. Yes, Sir.

Q. That is the date you received the acceptance of your resignation? A. Yes, Sir.

Q. Where was Judge Woods at the time this letter was written? A. I think he was in New York, O. A. He was visiting you, Sir. There is another letter in relation to it. (Witness hands letter to chairman.)

Q. You sent your letter to him by mail? A. Yes, Sir.

Q. And received this reply by mail? A. Yes, Sir.

The Chairman—The letter reads as follows: "Dear Sir: I enclose the acceptance of your resignation as Shipping Commissioner for the Port of Pensacola, and that it is duly received, and until I can come to Pensacola to open court for that purpose the duties of the office will have to be discharged by you. W. B. Woods, U. S. Circuit Judge."

Q. This letter you received from the District Judge at Pensacola? A. Yes, Sir.

Q. Did you then turn over to him all the public property of the office? A. Yes, Sir.

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two houses shall again meet in joint session to count the electoral vote. The basis of such objection is the following information received this afternoon by the Hon. Wm. M. Springer of that State, and dated Springfield, Ill., Feb. 7:

As there is only one return from Illinois, the objection to counting the State is returned to be signed by at least one Senator and one member of the House of Representatives, whereupon the two houses will separate for action. No vote or votes from any State from which only one return has been received can be rejected except by the affirmative vote of the two Houses. This case will not be subject to reference to the Electoral Commission.

COMMENTS IN THIS CITY.

SATISFACTION AT THE UNION LEAGUE CLUB—APPROVAL AND REJOICING FOR THE TRIBUNAL'S DECISION—THE MARSHALL CLUB DEPRESESSED.

There was nothing approaching excitement last evening at the Union League Club over the vote of the Electoral Commission in the case of Florida. The general spirit was one of congratulation rather than of enthusiasm. An unusual number of prominent members of the club were present during the evening, and the chief topic of conversation was the important vote of the Commission. A meeting of the Executive Committee brought together John Jay, Clinton B. Fisk, Charles Watson, Republicans, who expressed their satisfaction at the news which had been received from Washington through dispatches to the newspapers, and by private telegrams to members of the club. Chas. Watson stated that he expressed the opinion of all with whom he had conversed, including the gentlemen mentioned above, and he was sure the general sentiment of the club, in saying that the decision of the Tribunal was the subject of approval and rejoicing. It settled the question of the responsibility of a State for its electing returning Board, legally constituted, and not subject to a Presidential veto. In deciding the case of Florida a precedent had been established which would not be violated when the electoral vote of Louisiana came up for adjudication. Upon being asked what he anticipated to be the bearing of the Commission's decision upon the case of Oregon, Mr. Watson replied that any impression that it would not adversely in that State to Gov. Hayes's prospects seemed to him entirely erroneous. The vote was that the Commission could not go behind the returns to take evidence, but that it could consider the eligibility of an elector. This opened a clear way to a satisfactory solution of the Oregon question.

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OBITUARY.

PROF. HENRY B. SMITH.

The Rev. Henry Boynton Smith, D. D., a distinguished clergyman and professor in the Union Theological Seminary of this city, died at his residence, No. 108 East Twenty-fifth-st., at 5 o'clock yesterday morning. He was born in Portland, Me., Nov. 21, 1815. After having graduated from Bowdoin College in 1834, he was a tutor at that institution during 1836 and 1837. In 1840 and 1841 he studied theology at Andover and Bangor, and subsequently went to Europe and pursued his theological studies in Halle and Berlin. After his return from abroad he became the pastor of the Congregational Church in West Amesbury, Mass., near which the poet Whittier resides. He remained there until 1847, when he was invited to the chair of Intellectual and Moral Philosophy in Amherst College. There he remained three years, and there he was chosen Professor of Church History in the Union Theological Seminary. In 1854 he was transferred to the Professorship of Church History, which he retained until he was compelled to resign on account of ill health in 1874. He was then made Professor Emeritus, with no duties, but a salary for life, and filled the chair of Apologetics. He was also appointed the lecturer for the present year on the Ely Foundation.

Prof. Smith's health had not been good for several years. It broke down entirely in the winter of 1868, and he went abroad in February, 1869. During that year he traveled through Germany and Italy. In February of the following year he went to Egypt and there met his fellow professor, Dr. Rowell D. Hiteck, who was traveling for the benefit of his health, and Prof. Smith remained in Egypt for some time. Together they visited Mount Sinai, Palestine, and Constantinople; Prof. Hiteck and Prof. Smith next went to Greece, and all returned to this country in the summer of 1870. Prof. Smith, however, was never able to complete a year's work after his return without his health failing him. About six weeks ago he attended a meeting of the "Ch. Alpin," a clerical association, which meets in Fifteenth-st., and walked to his home in Twenty-fifth-st. The night was extremely cold and he became thoroughly chilled. The cold which he contracted was so severe that he was unable to rise the next morning. His death, however, is supposed to have been caused, not by pneumonia, but by nervous prostration. It was known for several days before his death occurred that he could not survive the attack. His pulse was as high as 200, and he breathed with great difficulty. For two or three days he was unable to speak. Dr. Gould of Rome, his personal friend, spent the last night with him. His death occurred so suddenly that his wife and family had scarcely time to reach his room before he expired. He leaves four children—two sons and two daughters. His eldest son is married and lives in New York City. His second son is married and lives in New York City. His third son is married and lives in New York City. His fourth son is married and lives in New York City.

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the day's use of the bank is short about \$10,000. The cashier left a letter saying that the bank officers need not expect to see him again, and that Chicago speculation caused the trouble.

INSURANCE REVELATIONS.

CONTINENTAL IRREGULARITIES.

FROM BOOKKEEPING—LARGE SUMS TO OFFICERS FROM COMMUTED COMMISSIONS AND ANNUITIES—A SINGULAR ENTRY—MR. GRACE TAKES POSSESSION.

There was no examination into the affairs of the Continental Life Insurance Company yesterday, as Wm. B. Grace, the new receiver, took possession. He ordered an inventory made of all the bonds, mortgages and other securities turned over to him. He discharged the former employees of the company who had been retained by Mr. Anderson. It is believed that he will entrust the bookkeeping to Mr. Thompson, instead of to Mr. Anderson. It is believed that he will entrust the bookkeeping to Mr. Thompson, instead of to Mr. Anderson.

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